

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Antonio Lamar Nelson, #73831,)
Plaintiff,) CIVIL ACTION NO. 9:07-3974-JFA
v.)
Officer C. Marshall and) **REPORT AND RECOMMENDATION**
Officer Melron Kelly,)
Defendants.)

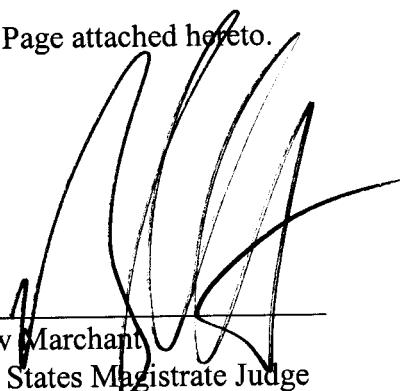
)

The pro se Plaintiff brought this action seeking relief pursuant to Title 42, United States Code, Section 1983. On August 19, 2010, a notice of case reassignment was mailed to Plaintiff. However, Plaintiff's copy of the notice was returned to the Clerk of Court on September 9, 2010, with the envelope being marked "Return to sender no longer at this address". By order of this Court filed September 15, 2010, the Plaintiff was advised that if he failed to provide the Court with a current address, a recommendation for dismissal would be entered. See Order filed September 15, 2010. See also Davis v. Williams, 588 F.2d 69, 70 (4th Cir. 1978), Rule 41(b) Fed.R.Civ.P. That Order was mailed to Plaintiff's last known address, however, it also was returned marked "Attempted - not known. Unable to forward."

Plaintiff failed to file any response to the Court's Order, or to contact the Court in any way. Therefore, Plaintiff meets all of the criteria for dismissal under Chandler Leasing Corp. V.

Lopez, 669 F.2d 929 (4th Cir. 1982).¹ Accordingly, it is recommended that this action be dismissed with prejudice for lack of prosecution. See Davis, 558 F.2d at 70; Rule 41(b), Fed.R.Civ.P.; Ballard v. Carlson, 882 F.2d 93, 95 (4th Cir. 1989), cert. denied sub nom, Ballard v. Volunteers of America, 493 U.S. 1084 (1990) [Magistrate Judge's prior explicit warning that a recommendation of dismissal would result from plaintiff failing to obey his order was proper grounds for the district court to dismiss suit when plaintiff did not comply despite warning]. The Clerk is directed to mail this Report to Plaintiff's last known address.

The parties are referred to the Notice Page attached hereto.



Bristow Marchant
United States Magistrate Judge

September 28, 2010

Charleston, South Carolina

¹He is personally responsible, the Defendants are suffering prejudice due to having to expend time and resources on a case in which the Plaintiff is unresponsive, and no sanctions other than dismissal appear to exist as the Plaintiff is indigent (and therefore not subject to monetary sanctions) and he has otherwise failed to respond to Court filings despite Court orders requiring him to do so. Lopez, 669 F.2d at 920.